THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.20811; 20886 & 20917 of 2007

DATED: 04-10-2007

Syamanaboina Nageswari & others.

...PETITIONER

AND

The Revenue Divisional Officer,
Rajampet,
Kadapa District & another.

…RESPONDENTS

COMMON ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the 1st respondent in not granting stay order on the petition filed by them along with appeal, dated 24-09-2007, against order in Ref.No.C/435/2007, dated 05-09-2007, from the file of the 2nd respondent, as illegal and arbitrary.

3. In all these Writ Petitions petitioners are admittedly the assignees of an extent of Ac.1.50 cents each in Sy.No.1252/1,2,3 respectively of Madanagopalapuram village, Rajampet mandal, Kadapa District and the said land was assigned by the then Mandal Revenue Officer, Rajampet in DKT patta Nos.24, 25 and 26/1405, dated 28-01-1996, respectively. Whileso, show cause notices, dated 13-09-2007, in Ref.No.C/435/2007 have been issued as to why the said land shall not be resumed for the public purpose as per condition No.17 of the D-Form patta by paying ex-gratia to the petitioners. Petitioners filed explanations, dated 20-08-2007, and thereafter, the 2nd respondent-Tahsildar, Rajampet mandal passed orders in Ref.No.C/435/2007, dated 05-09-2007, resuming the said lands to the Government on both the grounds of violation of D-Form conditions and as the said land is required for Rajiv Swagruha Programme. Against the said orders petitioners

filed appeals on 24-09-2007 along with application for grant of stay but it is stated that the 1st respondent-Revenue Divisional Officer, Rajampet before whom the appeals have been filed along with the stay application has not taken up either the stay application or the appeals. Even before the disposal of the appeals, respondents are taking steps to dispossess the petitioners.

4. Having regard to the facts and circumstances of the case, 1st respondent-Revenue Divisional Officer is directed to consider and dispose of the appeals filed on 24-09-2007 against the orders of the 2nd respondent-Tahsildar, Rajampet in Ref.No.C/435/2007, dated 05-09-2007, as expeditiously as possible in accordance with law and pending disposal of the appeals *status quo* obtaining as on today with regard to possession shall be maintained.

5. Accordingly, Writ Petitions are disposed of. No order as to costs.

_____

V. ESWARAIAH, J

04th October, 2007.
Tsy